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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,551	01/26/2001	Brian L. Arend	1801/USW0596PUS	6404

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EXAMINER	
MEHRPOUR, NAGHMEH	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/770,551	AREND ET AL.	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 13-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identify disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 7-9, 11, 13, 17-19, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick et al. (US Patent Number 6,429,768 B1) in view of Pousada Carballo et al. (US patent Number 6,5393,354 B1).

Regarding claim 1, Flick teaches a method for inhibiting wireless telecommunication within a limited region (see figure 1, col 3 lines 8-18) comprising:

generating a plurality of noise signals, each signal within a different portion of the frequency range of the wireless telecommunication (col 4 lines 59-67, col 5 lines 1-12).

Flick fails to teach a method for **broadcasting the plurality of noise signals from different locations into the region such that telecommunications is inhibited in the overlap of the broadcasted noise signals. However Pousada teaches a method for broadcasting the plurality of noise signals from different locations into the region such that telecommunications is inhibited in the overlap of the broadcasted noise signals (col 3 lines 24-35).** Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pousada 's

with Flick, in order to disable the mobile device independent of whether the user is turned on or off, in enclosed areas in which the incoming call alarms are a nuisance or where terminal activity may cause trouble, and for interference signals will not have an effect outside the enclosed area where the device is installed.

Regarding claims 7, 9, 17, 19, Flick inherently teaches a method/system for inhibiting wireless telecommunications (col 3 lines 1-8), the region is the inside of an automatic vehicle (col 6 lines 59-62).

Regarding claims 11, 21, Flick teaches a method/system for inhibiting wireless telecommunications (col 3 lines 1-8) comprising: controlling broadcasting the **plurality of noise signal** based on detecting at least one condition of the automotive vehicle (col 5 lines 2-21).

Regarding claim 13, Flick teaches a system for inhibiting wireless telecommunications within a limited region of the telecommunications coverage (see figure 1, col 3 lines 1-8, col 6 lines 50-62) comprising:

a plurality of radio frequency noise generators, each generator generating a noise signal within a different portion of the frequency range of the wireless telecommunications (see figure 1, col 5 lines 1-10);

Flick fails to teach a method for **broadcasting the plurality of noise signals from different locations into the region such that telecommunications is inhibited in the overlap of the broadcasted noise signals. However Pousada teaches a**

method for broadcasting the plurality of noise signals from different locations into the region such that telecommunications is inhibited in the overlap of the broadcasted noise signals (col 3 lines 4-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above Pousada 's teaching with Flick, in order to disable the mobile device independent of whether the user is turned on or off, in enclosed areas in which the incoming call alarms are a nuisance or where terminal activity may cause trouble, and for interference signals will not have an effect outside the enclosed area where the device is installed.

Regarding claims 8, 18, Flick teaches a method/system for inhibiting wireless telecommunications (col 3 lines 1-8). Flick modified by Pousada fails to teach that the region is inside of an aircraft. However the Examiner takes official notice that a mobile phone which broadcasting noise signals inside of an aircraft is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching with Flick modified by Pousada , in order to warn the user that the cellular phone does not operate in prohibited areas such as the inside of an aircraft in flight.

3. Claims 2, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick et al. (US Patent Number 6,429,768 B1) in view of Pousada (US Patent Number 6,522,241 B1) in further view of Richardson (US Patent Number 4,498,193).

Regarding claims 2,14, Flick teaches a method/system for inhibiting wireless telecommunications **at least one of the pluralities of radio frequency noise generators** (see figure 1, col 3 lines 1-8, col 5 lines 1-20). Flick modified by Pousada does not specifically mention a band pass filter accepting the wideband noise signal and producing the noise signal within the frequency range of the wireless telecommunication. However Richardson teaches a noise generate 1 which is arranged to produce a signal at 25 kHz (wideband) (see figure 1, col 2 lines 52-68, col 3 lines 3-5), and a band pass filter 4, that accepts the wideband noise signal and produces the noise signal within the frequency range of the wireless telecommunication (col 1 lines 45-61, col 2 lines 3-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Richardson with Flick modified by Pousada , in order to provide a front end receiver for a wideband communication signal which is easy to implement and over comes signal gain.

4. Claims 3, 5-6, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick et al. (US Patent Number 6,429,768 B1) in view of Pousada Carballo et al. (US Patent Number 6,522,241 B1) in further view of GEYRA (International Publication WO 98/34412).

Regarding claim 3, Flick teaches a method for inhibiting wireless telecommunication system comprising: broadcasting a noise signal (col 3 lines 1-8). Flick modified by Pousada fails to teach that the telecommunication system broadcasts noise via at least one directional antenna to inhibit communication within a limited region. However

GEYRA teaches a telecommunication system for inhibiting wireless communication that includes broadcasting noise via at least one directional antenna to inhibit communication within a limited region (page 3 line 13-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Flick modified by Pousada's teaching, in order to provide disabling a wireless cellular phone that is restricted to a specific confined area.

Regarding claim 5, Flick modified by Pousada fails to teach a method/system wherein controlling broadcasting a noise signal based on a public event. However GEYRA teaches a communication method/system wherein controlling the broadcasting of a noise signal is based on a public event (col 3 lines 13-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Flick modified by Pousada's teaching, in order to restrict for the operation of the cellular phone within public areas.

Regarding Claims 6, 16, Flick modified by Pousada fails to teach a method wherein broadcasting of a noise signal is automatically based on at least one condition of the public event. However GEYRA teaches a method wherein broadcasting of a signal is automatically (page 1 lines 17-21, page 3 lines 14-19) based on at least one condition of a public event (page 6 lines 5-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Flick modified by Pousada's teaching, in order to warn the user that the cellular phone does not operate in prohibited areas, such as public gatherings.

5. Claims 4, 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick et al. (US Patent Number 6,429,768 B1) in view of Pousada Carballo et al. (US Patent Number 6,393,254 B1) in further view of Harris (US Patent Number 6,222,458 B1).

Regarding claims 4,15, Flick teaches a method/ system wherein the wireless telecommunications, the noise signal generated the **plurality of noise signals** (col 2 lines 37-45). Flick modified by Pousada fails to teach a method/system wherein the wireless telecommunications is through spread spectrum (CDMA), the noise signal generated substantially across the spread spectrum (CDMA). However Harris teaches a method/system wherein the wireless telecommunications is through spread spectrum (CDMA), the noise signal generated substantially across the spread spectrum (CDMA) (col 1 lines 45-54). The CDMA is known as the principle of the spread spectrum communications properties. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Harris with Flick modified by Pousada's teaching, in order to provide safety by automatic turnoff of a CDMA cellular phone.

6. Claims 10, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick et al. (US Patent Number 6, 429,768 B1) in view of Pousada Carballo et al. (US Patent Number 6,393,254 B1) in further view of Kushita (US Patent Number 6,570,689).

Regarding claims 10, 20, Flick teaches a method/system that broadcasting a noise signal within a frequency range with in a region (col 3 lines 1-8). Flick modified by Pousada fails to teach a method/system that broadcasting a noise signal based on detecting the presence of a telephone in a cradle. However Kushita teaches a method/system wherein when attachment of the portable telephone to the cradle is detected the drive mode is cancelled, or while the automobile is traveling, hand-free speech communication can be inhibited (col 9 lines 10-25). Since Flicks modified by Pousada teaches a method of generating noise while disabling the cellular phone in a predefined area, and Kushita teaches a method of disabling the telephone when detection is resulted in the presence of the telephone on a cradle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Kushita with Flick modified by Pousada's teaching, in order to provide a system that can detects theft of radio telephones mounted within vehicle cradles.

Response to Arguments

7. Applicant's arguments with respect to claims 1-11, 13-21, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of

bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Harold-Banks be reached (703) 305 4379.

NM

June 14, 2004

CHARLES APPIAH
PRIMARY EXAMINER